



Submission No 21

RECEIVED
27 OCT 2009
BY: mig Ali

**Submission to the Joint Standing Committee on Migration
Inquiry into the Migration Treatment of Disability.**

October 2009

Submission prepared by
Karen Lloyd AM and David Parker

Introduction

Deaf Australia, established in 1986, is the national peak body managed by Deaf people that represents, promotes, preserves, and informs the development of, the Australian Deaf community, its language and cultural heritage. It provides an information and advocacy service for Deaf people who use Auslan (Australian Sign Language).

Deaf Australia is the Australian national member of the World Federation of the Deaf, is a founding member of Australian Federation of Disability Organisations (AFDO), and works cooperatively with many organisations including National Disability Services (NDS).

This submission is in response to the Joint Standing Committee on Migration Inquiry into the Migration Treatment of Disability.

The inquiry is focused on the health requirement of the *Migration Act*. The assumed costs associated with health conditions or disabilities of applicants (refugees, migrants and asylum seekers with a disability or in this case being deaf) are taken into account as part of the assessment procedure. How are applicants assessed fairly as part of the health test on the potential cost and impact on Australian health and community services?

Is the test fair?

The *Migration Act 1958* is exempt from section 52 of the *Disability Discrimination Act 1992* (DDA). The current *Migration Act* is discriminatory to deaf people seeking to settle in Australia and disregards the valuable contributions that are made into Australia by deaf people – both those who were born here and those who were originally from overseas.

Based on Australian Bureau of Statistics data, NEDA estimates that there is unlikely to be more than 5000 migrants with disability in Australia who have been excluded from DSP entitlement as a result of the 10 year eligibility period. This is a relatively small number of people, and the cost of change for the removal of discrimination is likely to be a small proportion of the total expenditure by the Australian Government on the more than 700,000 Australians who currently receive the DSP.¹

What do deaf and hard of hearing people need to function as fully participating members of the Australian society?

Deaf and hard of hearing people use a variety of assistive aids to facilitate effective communication in their workplaces and with service providers. The needs are different for each deaf person. A deaf person could be using an Auslan sign language interpreter in a work related meeting, another deaf person could be communicating by writing on a piece paper with a local plumber and a hard of hearing person might have a cochlear implant to help her communicate smoothly with her clients. Other examples include using a relay service (www.nrs.com.au) to order building materials from a local Bunnings hardware store; wearing hearing aids to help listen and speak with other members of society.

They would also need workplace modifications to enable them to work in a safe working environment as outlined by the workplace's Occupational Health and Safety(OHS) requirements.² One of the requirements would be the implementation of flashing light devices for smoke alarms and door bells attached to the ceiling of the worker's workplace for visibility. So if danger arises such as a fire breaking out in a factory, the specific lights would flash and capture the deaf worker's attention. These devices are built and supplied by various Australian industries employing Australian workers.

The Australian health system provides free hearing aids only to Australian deaf and hard of hearing children under the age of 21 years old and to aged people over the age of 65. Deaf and hard of hearing people of working age must cover the cost of their own hearing aids and cochlear implants. They are also required to pay for batteries and any ongoing maintenance costs which are not cheap.³

“Australia has a public system for hearing aid dispensing, administered by the Commonwealth Hearing Services Program Voucher System. Eligible adult clients in this system include pensioners, recipients of sickness allowances, veterans or members of the defence forces, or persons undergoing vocational rehabilitation. Others must pay for hearing aids and servicing themselves”.⁴

With cochlear implants, some deaf people and hard of hearing recipients elect to have cochlear implants to help them hear and speak more clearly. The equipment is provided by a world class Australian company⁵

In a nutshell, to provide services and equipment for deaf and hard of hearing people in order for them to participate fully in the workplace and to utilise the services in Australia, various Australian based industries are established to provide services and equipment and provide employment in Australia to meet the needs of Australian deaf and hard of hearing people. Rather than being a drain on the health system, migrants would be included in those who must pay for their own equipment and use of services.

Using Community Services

People who use Auslan rely largely on sign language interpreters and use of captioning equipment in schools, higher education institutions and workplaces. Hard of hearing people might want to use FM systems or hearing loops in workplaces to help them hear speakers and instructors for instance.

Deaf people wishing to use a sign language interpreter in the workplace can book through the **Auslan For Employment** scheme with capped costs. Again sign language interpreters' fees and associated costs are paid through the system – Deaf Societies of Australia and various interpreting agencies and workplaces normally share costs associated with interpreting services needed by Deaf consumers or workers. This implies sustained employment of Australian Sign Language interpreters.⁶

These services and goods are not generally community services – they are provided, implemented and paid for by Australian industries. Therefore deaf and hard of hearing people contribute to the Australian economy rather than being a drain on it.

Deaf people do have the same Human Rights as everyone else in Australia

The Australian Government has ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) on 18th of July 2008.⁷

Migrants, refugees and asylum seekers who are deaf come to Australia for a variety of reasons – in search of a better life, better education and better employment opportunities or to be with family.

Australian deaf people are citizens of Australia. Australia and its diverse population have been built on the combined contributions of Indigenous people, those who came later from all over the world, and those who were subsequently born here, including deaf people. Deaf people, by and large work and pay taxes, raise families and contribute to the economy and society in the same way that other citizens do.

Deaf people's participation in the Australian society

There are many cases of successful deaf Australians of different nationalities participating in sports, community based and professional based events at all levels.

- First Case: The XIII World Congress of the World Federation of the Deaf held in Brisbane 1999 had unexpected problems when the Australian Government refused to grant visas to a number of delegates from developing countries.

Deaf Australia had to respond swiftly and appropriately to the situation. Nonetheless the congress was executed professionally on an international scale with over 2,000 participants from 80 countries.⁸

- Second Case: Bruno Broglio is a Deaf person who has been heavily involved and contributed a great deal within the Australian Deaf Community since his arrival in Australia some 65 years ago, like many successful Deaf people who have migrated to Australia.

If they had not been allowed to settle in Australia, their contributions, like Bruno's, would not have happened.⁹

- Third Case: Deaf Ghana Soccer team were supposed to play football in Australia with the Australian Deaf Football team but the Ghana team was made up of largely hearing players!

The visa system in Ghana had enabled Ghanaian hearing players be substituted for deaf players and be able to come down to Australia, but this was against the whole point of deaf teams competing with each other.¹⁰

These cases amongst many others demonstrate the valuable contribution of deaf individuals from overseas. They show that deaf people are valuable citizens and this should be taken into account when deaf migrants or members of migrant families who are deaf seek to settle in Australia.

The third example demonstrates that deaf athletes cannot play sport on merit in Australia and this is not in the best spirit of sport.

Conclusion

Deaf people have been and are making important contributions to the Australian economy and the community in general. There are deaf professionals, for example community workers who provide services for Deaf and hard of hearing people who need help with seek of employment or need counseling to resolve issues. There are deaf artists who provide a range of entertainment services for young people and people in general. And so on.

There is anecdotal evidence that deaf migrants in general are reliable and loyal workers. This demonstrates that deaf people are as diverse and skilled workers as those from other cultures. Deaf migrants contribute to the economic development of Australia in many ways such as bringing a demand for goods and services, investing in the Australian economy rather than being a burden on it, fostering cultural practices and languages other than English.

Deaf Australia welcomes this inquiry as an opportunity to recognise this contribution and the need for a fair immigration policy that recognises the rights of potential deaf immigrants and ensures they are treated fairly.

Deaf Australia is pleased to have made the opportunity to make this submission and we look forward to a favorable outcome.

A Note on the use of the capital D

The Deaf community is considered to be a linguistic and cultural minority group, similar to an ethnic community. Just as we capitalise the names of ethnic communities and cultures (eg Italian, Jewish) we capitalise the name of the Deaf community and culture. Since not all people who are physically deaf use Auslan and identify with the Deaf community, the d in deaf is not capitalised when we are referring to all deaf people or the physical condition of not hearing.

References

1. <http://www.neda.org.au>
2. <http://www.workcover.nsw.gov.au/OHS/Pages/default.aspx>
3. <http://www.health.gov.au/internet/main/publishing.nsf/Content/health-hear-applic.htm>
4. <http://www.hear-it.org/page.dsp?area=634>
5. <http://www.cochlear.com.au/> and
<http://www.scic.nsw.gov.au/showarticle.asp?faq=2&fldAuto=16&header=header1>
6. http://www.jobaccess.gov.au/JOAC/ServiceProviders/Assisting_employers/Financial_help_and_wages/Auslan_For_Employment/
7. http://www.afao.com.au/library_docs/policy/UN%20Convention%20on%20the%20rights%20of%20people%20with%20a%20disability.pdf
8. <http://www.deafau.org.au/info/wfd1999.php>
9. <http://www.vicdeaf.com.au/files/communicate10.pdf> page 3
10. <http://www.modernghana.com/sportsp/231583/2/pagenum2/deaf-soccer-scandal-aussies-also-cheated.html>

For further information please contact:

David Parker
Policy Officer
Deaf Australia Inc
david.parker@deafau.org.au